

**SUPREME COURT CALENDAR  
SACRAMENTO SESSION  
NOVEMBER 5, and 6, 2002**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on November 5 and 6, 2002.

**TUESDAY, NOVEMBER 5, 2002—2:00 P.M.**

- (1) S098242 Henkel Corporation v. Lloyds of London  
*(Chin, J., not participating, Ortega, J., assigned Justice Pro Tempore.)*
- (2) S098218 People v. Adair
- (3) S024642 People v. Michael Ray Burgener *[Automatic Appeal]*

**WEDNESDAY, NOVEMBER 6, 2002—9:00 A.M.**

- (4) S090136 Geneva Towers v. City of San Francisco
- (5) S103746 People v. Kramer
- (6) S101633 Kavanaugh v. West Sonoma School District

**1:30 P.M.**

***Rededication of The Library and Courts Building as  
The Stanley Mosk Library and Courts Building***

- (7) S104487 People v. Seneca Insurance Company
- (8) S059739 In re James Scott on Habeas Corpus *[Habeas related to Automatic Appeal]*

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GEORGE  
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR  
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, NOVEMBER 5, 2002—2:00 P.M.**

***(1) Henkel Corporation v. Lloyds of London, S098242 (Chin, J., not participating, Ortega, J., assigned Justice Pro Tempore.)***

#01-80 Henkel Corporation v. Lloyds of London, S098242. (B134742; 88 Cal.App.4th 876.) Petitions for review after the Court of Appeal reversed the summary judgment in a civil action. This case includes the following issue: Is a successor corporation entitled to coverage under a predecessor corporation's liability policies for claims accruing before transfer of the business to the successor, if the policies were not assigned to the successor and the predecessor cannot be sued for the claims?

***(2) People v. Adair, S098218***

#01-102 People v. Adair, S098218. (B138462; 88 Cal.App.4th 1297.) Petition for review after the Court of Appeal reversed an order in a criminal action. This case presents the following issue: What is the proper standard of appellate review of a trial court's finding of factual innocence under Penal Code section 851.8, which provides for the sealing and destruction of arrest records when the court finds no reasonable cause that the person committed the offense?

***(3) People v. Michael Ray Burgener, S024642 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

**WEDNESDAY, NOVEMBER 6, 2002—9:00 A.M.**

***(4) Geneva Towers v. City of San Francisco, S090136***

#00-118 Geneva Towers v. City of San Francisco, S090136. (A088355, 81 Cal.App.4th 658.) Petition for review after the Court of Appeal affirmed a judgment of dismissal of a civil action. This case includes the following issues: (1) Does the statute of limitations on a claim for refund of excess real property taxes commence to run when the claimant has the right to bring suit in accordance with Revenue and Taxation Code section 5141(b)? (2) What is the length of the applicable statute of limitations on such a claim?

***(5) People v. Kramer, S103746***

#02-42 People v. Kramer, S103746. (G027217; unpublished opinion.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does Penal Code section 654, which provides that “[a]n act or omission that is punishable in different ways by different provisions of law shall be punished under the provision that provides for the longest potential term of imprisonment” (emphasis added), require the trial court to consider only the base term of each offense in determining which provides the longest potential term of imprisonment, or should the court in making this determination consider both the base term of an offense and any applicable enhancements attached to that offense?

***(6) Kavanaugh v. West Sonoma School District, S101633***

#01-159 Kavanaugh v. West Sonoma School District, S101633. (A093779; 92 Cal.App.4th 411.) Petition for review after the Court of Appeal reversed the judgment in a proceeding for a writ of mandate. This case presents the following question: Is a written statement indicating the temporary nature of employment timely for purposes of Education Code section 44916 if the statement is provided to the employee on the date the school district takes formal action to hire the

employee rather than on the date the employee begins work, or is the employee under such circumstances deemed to be a probationary employee?

**1:30 P.M.**

***Rededication of the Library and Courts Building as  
The Stanley Mosk Library and Courts Building***

***(7) People v. Seneca Insurance Company, S104487***

#02-45 People v. Seneca Insurance Company, S104487. (B148121; 94 Cal.App.4th 1358.) Petition for review after the Court of Appeal reversed an order denying a motion to vacate the forfeiture of a bail bond in a criminal case. This case presents the following issue: Are the requirements of Penal Code section 1166, specifying the findings a trial court must make before releasing a convicted defendant on bail prior to sentencing, applicable where the defendant pleads guilty or no contest or only where the defendant is convicted on a verdict of guilty?

***(8) In re James Scott on Habeas Corpus, S059739***

Original proceeding related to automatic appeal in People v. Scott (1997) 15 Cal.4th 1188. This case presents the following issue: Did defense counsel at petitioner's death penalty trial provide ineffective assistance in not investigating or presenting a mental defense or mitigating evidence and in advising defendant to waive a jury?